IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT (LODGING) NO.1202 OF 2007

M/s.D. Dahyabhai & Co. Private Limited : Plaintiff

V/s.

Western Express Industries Ltd. : Defendant

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Ms Deepa S. Matwankar i/b. Vinod Juwale for the plaintiff.

Mr.R.K.Naik for the defendant.

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CORAM : A.M. KHANWILKAR, J.

DATE : APRIL 30, 2007.

P.C.

1. The counsel for the plaintiff submits that the plaintiff is advised to withdraw the present suit so as to pursue appropriate other suitable remedy as may be permissible by law. The counsel for the defendant has no objection if the plaintiff were to withdraw the present suit with liberty to pursue other appropriate remedy as may be permissible under law.

2. Accordingly, the suit as well as derivative proceedings, if any, to stand dismissed as withdrawn with liberty as prayed for. Refund of Court fee as per rules.

A.M.KHANWILKAR, J.